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To: Members of the White Plains Common Council (Councilmembers
and Mayor)
Rod Johnson, City of White Plains Environmental Officer
Neil J. Alexander, Esq., Representative of Developer Greystar
Development East LLC

April 29, 2022

**Comment as to Developer's Application for Site Plan Extension
Gateway II / 85 North Lexington Ave**

Agenda Item 62 at May 2, 2022 Common Council Meeting

Dear Sirs and Madams:

As a citizen of White Plains who lives close to the proposed development and whose local resources will be affected by it, I write to offer my comments on the application for extension of site plan approval. **My view is that due to potential impacts on the Bronx River Parkway Reservation, a “positive declaration” under the State Environmental Review Act (“SEQRA”) is required.**

I. Circumstances of Application for Site Plan Approval

Greystar Development East LLC (“Developer”) intends to develop a parking lot near the White Plains train station into a 500-unit, 755 parking space residential tower complex. It calls the proposed development “Gateway II.” Site plan approval for Gateway II was initially granted on April 5, 2021. Section 7.6 of the [Zoning Ordinance](#) says that “such approval shall expire if substantial construction is not completed within 1 year of approval.” Developer did not complete substantial construction by April 5, 2022; therefore, it was required to apply for extension of site plan approval and did so by application dated April 1, 2022.

This application is now before you for referral to City boards and agencies.

For a project of this size, an application for extension of site plan approval is classed as a Type I action under SEQRA.¹ If the proposed development “may have a significant effect on the environment,” the Common Council must issue a “positive declaration” requiring the development of an environmental impact statement or “EIS.” See Environmental Conservation Law § 8-0109(2).

II. Identity of Correspondent

I am a citizen and registered voter residing within White Plains. I am an active user of the Bronx River Parkway Reservation. I reside at a cooperative tower on Ferris Avenue located perhaps 1,000 feet from the Reservation, separated from the Reservation by the Harlem Line train tracks and Ferris Avenue. I regularly access the Reservation from Cemetery Road in White Plains, and use the bike/walking trail as far north as the Kensico Dam and as far south as the bridges below Main Street in White Plains. I run in the Reservation as my main personal fitness activity. I can see the Reservation from my apartment windows, and I visit the Reservation every week. I face concrete injury inasmuch as this neighborhood resource is threatened with substantial environmental harm and impairment of its value by the application for extension of site plan approval.

III. The Potential Environmental Impacts of the Proposed Gateway II Development

Gateway II is located a few hundred feet from the Bronx River Parkway Reservation, a nature preserve and county park which surrounds the historic Bronx River Parkway (one of the nation’s first motor parkways) and which includes the Bronx River, fields and meadows, and a trail used for walking, jogging, and bicycling with picturesque wooden bridges over the Bronx River. The Bronx River Parkway itself is carried by picturesque bridges constructed in some cases from fieldstones.

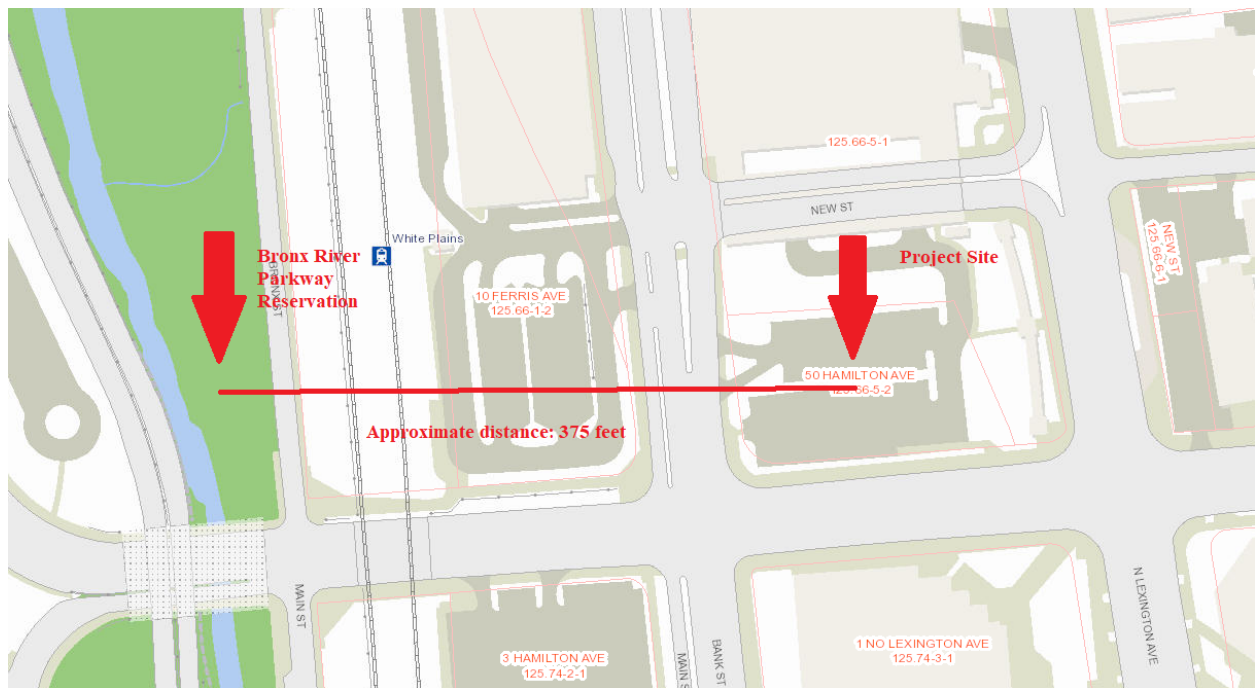
The Bronx River is home to fowl (Great Egret; ducks; geese), fishes (likely the American Eel – a state-listed “high priority species of greatest conservation need”),² and

¹ To illustrate, when neighboring developments One Water Street and Hamilton Green both came up for extension of site plan approval at the Common Council’s December 6, 2021 meeting, the Common Council’s environmental resolutions of that date classed the extensions of site plan approvals for both developments as “Type I” actions.

² See, e.g., Miranda, J.A., J. Waldman, and S. E. Alter. 2018. “Testing Environmental DNA Techniques to Assess American Eel Populations in the Bronx River.” Section I: 1-23 pp. In D.J. Yozzo, S.H. Fernald, and H. Andreyko (eds.), Final Reports of the Tibor T. Polgar Fellowship Program, 2015. Hudson River Foundation, available at https://www.hudsonriver.org/wp-content/uploads/library/Polgar_Miranda_TP_01_15_final.pdf. The New York State Department of Environmental Conservation lists the American

mammals. I have twice seen mammals swimming in the Bronx River within the City of White Plains in recent months; I could not identify them but believe they could be beavers, muskrat, or river otters.

The below figure shows the relative locations of the proposed development and the Reservation.



A. Litter

The Bronx River Parkway Reservation suffers from an intense burden of litter in areas of the Reservation that are near dense development of the type proposed by Developer.

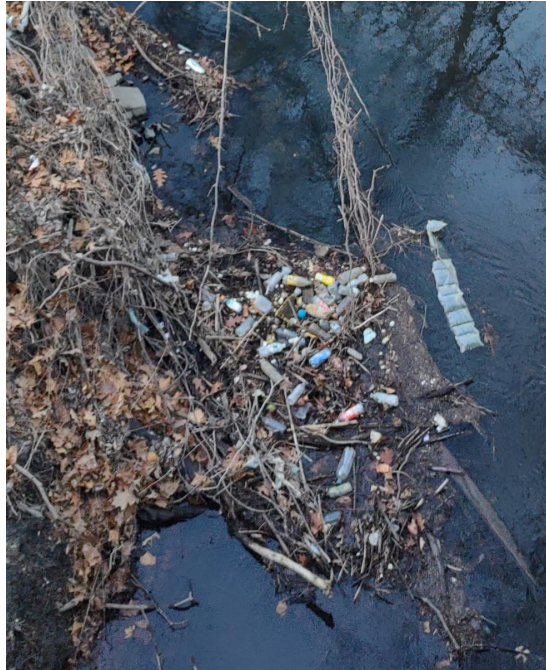
I have created a website which documents the extent of the litter condition in the Bronx River Parkway Reservation in the City of White Plains:

<https://www.BronxRiverLitter.us/>

This website uses photographs, some of which are captioned with precise location data, to document: (1) the extent of the litter burden; and (2) the value of the

Eel as a "High Priority Species of Greatest Conservation Need:" see <https://www.dec.ny.gov/animals/7494.html>.

Reservation as a resource; its environmental beauty. Two sample photographs are shown below.



[Sample Photograph 1](#): Showing numerous plastic bottles, cans, and other debris in the main watercourse of the Bronx River within the Bronx River Parkway Reservation near White Plains' dense residential developments. Taken Dec. 26, 2021. Coordinates: 41° 1' 57.39" N, 73° 46' 32.85" W.



[Sample Photograph 2](#): A Great Egret foraging for food in the Bronx River, just south of the I-287 overpass, on April 17, 2022.

Developer intends to develop Gateway II as a residential tower complex to house, when at full occupancy, 500 households and to provide parking for 755 vehicles. This action “may have a significant effect on the environment,” see Environmental Conservation Law § 8-0109(2). Because the areas of the Bronx River Parkway Reservation which are near similarly dense residential development suffer from an intense litter burden, and areas that are not as close to dense residential development do not, there is a clear correlation between development of the type Developer proposes and the amount of litter.

The litter dramatically reduces the visual and recreational appeal of the Reservation. In addition, it may affect plants and wildlife. Even if surface litter is removed, there is likely an escalating buildup of litter in the soil, beneath fallen leaves, and within the sediment on the river bottom and riverbanks.

B. Increased Recreational Use

The insertion of many more households near the Reservation, as Developer proposes, will likely have environmental impact from increased use of the Reservation, such as soil erosion.

C. Vehicular Traffic

While the Gateway II proposal is supported by a traffic study, the traffic study was concerned with Gateway II’s effect on peak-hour traffic congestion rather than the

effect on the recreational value and environmental quality of the Bronx River Parkway Reservation.³ Increased traffic which is not great enough to cause a peak-hour traffic jam may nonetheless be great enough to adversely affect the recreational value and environmental quality of the park. Particular to this issue, I have noticed that, some distance south of Main Street in White Plains, where the bike/walking trail along the Bronx River is to the immediate east of and at a lower elevation than the parkway and air tends to be trapped in a natural depression caused by the river, foul odors develop likely from car exhaust. Increased traffic on the Bronx River Parkway as it passes through parkland should be considered through the lens of recreational and environmental impact, not solely through the lens of motorists' travel-time.

IV. Cumulative Impacts

Giving separate consideration to Gateway II, Hamilton Green (860 residential units, 956 parking spaces), One Water Street (twenty-two stories, 301 residential units, 307 parking spaces, 1,200 square feet of retail space) and 20 Haarlem Avenue, 7-11 Holland Avenue, and 27 Holland Avenue (six stories not counting underground parking, 296 residential units, 380 parking spaces, 1,000 square feet of retail space) overlooks the possibility that, in combination, these developments may have a significant effect on the environment, particularly the Bronx River Parkway Reservation, through litter, increased recreational use, increased traffic, or other possible effects.

V. Analogous Decision by Another Public Body

An analogous decision was made by the Town of Mount Pleasant Planning Board during the year 2021 when a developer proposed a subdivision of 31 single family homes to the immediate west of Pocantico Lake County Park, which like the Bronx River Parkway Reservation is parkland owned and operated by Westchester County, and in close proximity to Rockefeller State Park Preserve. The Town Planning Board had the responsibility to approve or deny the developer's subdivision application.

The Town of Mount Pleasant Planning Board issued a positive declaration, dated September 20, 2021, in order to consider, among other things, the effects of the development on the nearby parkland.⁴ The Town of Mount Pleasant Planning Board specifically directed the developer to "Address the Proposed Action's relationship to public parkland; including the Pocantico Lake County Park, Rockefeller State Park, the

³ See April 5, 2021 Environmental Findings Resolution, p. 23.

⁴ The Town of Mount Pleasant Planning Board's issuance of a positive declaration was [reported by Martin Wilbur of The Examiner News](#). The Planning Board provides a number of documents related to the environmental review on the [Town's website](#).

Audubon Preserve and Briarcliff Pocantico Lake Park.” See [Town of Mount Pleasant Planning Board’s Final Scoping Document](#) at p. 6.

Clearly, as a general matter, the impact of 500 apartments and 755 parking spaces is in some ways of greater magnitude than that of 31 single family homes. But in this prior decisionmaking, even 31 single family homes were viewed as having a potentially significant environmental impact on the nearby parkland.

VI. Conclusion

The issuance of a positive declaration is a threshold determination – it does not delineate the extent of environmental harm, nor what is to be done about it – but merely reflects official acknowledgement that the action “may have a significant effect on the environment,” see Environmental Conservation Law § 8-0109(2). The issuance of a positive declaration is usually followed by serious study of the nearby natural resources and the nature and scope of the action’s environmental effects. Such study is often funded or undertaken in part by the developer.

“[T]he fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.” 6 NYCRR § 617.4(a)(1). “Because the operative word triggering the requirement of an EIS is ‘may’, there is a relatively low threshold for the preparation of an EIS.” Omni Partners, L.P. v. County of Nassau, 237 A.D.2d 440, 442 (2nd Dep’t 1997).

Here, the clear relationship between dense development and litter in a nature preserve illustrates that the low threshold for issuance of a positive declaration has been met.

Please accept my sincere thanks for your consideration of my comments on this application.

Very truly yours,

A handwritten signature in cursive script that reads "Ben Brown".

Benjamin Brown